

Notice of Allowability

Application No.

10/044,969

Examiner

Darwin P. Erez

Applicant(s)

MORIUCHI ET AL.

Art Unit

3773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on October 15, 2007.
2. ☒ The allowed claim(s) is/are 1-4,6,7 and 16-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Schneider on 1/8/08.

The application has been amended as follows:

IN THE CLAIMS

Claim 1:

-In line 10, between "connecting" and "the ridges"; inserted --each of a plurality of--.

-In line 11, between "connecting" and "the bottoms", inserted --each of a plurality of--.

-In line 16, between "in" and "clearance", deleted "the" and inserted --a--.

Replaced claim 3 with the following:

--3. The stent according to claim 1, wherein each of said waved connecting members possesses a width not larger than 1/2 of the width of the waved element.--

Replaced claim 6 with the following:

--6. The stent according to claim 1, wherein said waved connecting member possesses a total length at least 1.3 times as much as a straight distance between the

ridges or between the bottoms of the waved elements of the adjacent annular expanding members.--

Replaced claim 7 with the following:

--7. The stent according to claim 1, wherein the clearance between adjacent annular expanding members possesses a width falling within a range of between 0.4 mm and 0.8 mm.--

Claim 17:

-In line 24, between "in" and "clearance", deleted "the" and inserted --a--.

Replaced claim 20 with the following:

--20. The stent according to claim 17, wherein each of said waved connecting members possesses a width not larger than 1/2 of the width of the waved element.--

Replaced claim 21 with the following:

--21. The stent according to claim 17, wherein each of said waved connecting members possesses a width falling within a range of between 0.4 mm and 0.8 mm.--

Replaced claim 21 with the following:

--22. The stent according to claim 17, wherein said waved connecting member possesses a total length at least 1.3 times as much as a straight distance between the ridges or between the bottoms of the waved elements of the first and second adjacent annular expanding members.--

Claim 26:

-In line 25, between "in" and "clearance", deleted "the" and inserted --a--.

Replaced claim 29 with the following:

--29. The stent according to claim 26, wherein each of said waved connecting members possesses a width not larger than 1/2 of the width of the waved element.--

Replaced claim 30 with the following:

--30. The stent according to claim 26, wherein each of said waved connecting members possesses a width falling within a range of between 0.4 mm and 0.8 mm.--

2. The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art of record fails to teach or render obvious a stent comprising, inter alia, a plurality of annular expanding members, each formed of a waved element comprising an alternating arrangement of ridges and bottoms so that each ridge is circumferentially followed by one of the bottoms; and a plurality of waved connecting members connecting each of a plurality of axially adjacent wave elements to one another and connecting each of a plurality of bottoms of axially adjacent wave elements to one another; wherein each of the waved connecting members has a plurality of waved elements including a wave having a height that is larger than the height of the ridge or bottom of the waved element; and wherein the plurality of waves comprising each waved connecting member includes a plurality of waves positioned between portions of a single one of the waved elements.

As to claims 17 and 26, the prior art of record fails to teach the same type of arrangement as recited above. That is, the prior art fails to teach a stent having at least

a first and second annular expanding members, each of the annular expanding members comprising an alternating arrangement of ridges and bottoms so that each ridge is circumferentially followed by one of the bottoms; and a plurality of waved connecting members connecting each of a plurality of the ridges of the wave element of the first annular expanding member to a respective one of the ridges of the wave element of the second annular expanding member and connecting each of a plurality of the bottoms of the wave element of the first annular expanding member to a respective one of the bottoms of the wave element of the second annular expanding member; wherein each of the waved connecting members has a plurality of waved elements including a wave having a height that is larger than the height of the ridge or bottom of the waved elements of the first or second annular expanding member; and wherein the plurality of waves comprising each waved connecting member includes a plurality of waves positioned between portions of a single one of the waved elements of the first and second annular expanding member.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erez who's telephone number is (571) 272-4695. The examiner can normally be reached on M-F (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darwin P. Erezol/
Examiner
Art Unit 3773

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(JACKIE) TAN-UYEN HO
SUPERVISORY PATENT EXAMINER